



New Mexico State Legislature

STATE CAPITOL

Santa Fe

September 16, 2010

The Honorable Tim Eichenberg, Chair
Government Restructuring Task Force
New Mexico State Senator
7800 Charger Trail NE
Albuquerque, NM 87109

Re: Opposition to the Consolidation of the Indian Affairs Department

Dear Senator Eichenberg:

We write on behalf of the interim legislative Indian Affairs Committee of the New Mexico Legislature to express our strong opposition to any proposal to eliminate the Indian Affairs Department (IAD) as a cabinet-level department. At its meeting on September 14, 2010, the Indian Affairs Committee received a presentation from the IAD and heard testimony on this subject from several pueblo governors, tribal leaders and New Mexico residents. Additionally, several pueblo governors submitted letters opposing the elimination of the IAD as a cabinet-level department. They are enclosed. Upon a motion by Representative Ray Begaye, seconded by Representative Sandra D. Jeff, the committee voted without opposition to urge the Government Restructuring Task Force (GRTF) to uphold the promise made to Indian people through enactment of HB 585 in 2003 and HB 39 in 2004 and retain the IAD as a cabinet-level department.

According to the IAD's presentation, GRTF staff is proposing in its general government reorganization document to eliminate the IAD as a cabinet-level department and create either an Indian affairs division or bureau within a proposed "Community Services Department". That proposal is a mistake and would create a chilling setback in our decades-long effort to foster productive state-tribal relations. Should the state adopt measures to eliminate the IAD in its present form, 30 years of progress in state-tribal relations will be undermined. Tribes, nations and pueblos hold a unique, sovereign status under federal treaty and statute and have a government-to-government relationship with the State of New Mexico, as most recently recognized in SB 196, the State-Tribal Collaboration Act. For this reason, the mechanisms that foster collaboration between the state and tribal governments are vital to ensure cross-jurisdictional cooperation and the

effective coordination of federal, state and tribal resources to improve the lives of our shared Native American constituents.

Only as a cabinet-level department can the IAD effectively serve as the lead coordinating agency to facilitate communication and collaboration among the Office of the Governor, the other cabinet-level departments and the 22 tribes, nations and pueblos. As a cabinet-level department, the IAD has noticeably improved state-tribal relations and has addressed the unique needs and ameliorated the challenging disparities of our Native American citizens.

By statute, the IAD is authorized and directed to investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy and education and the effect of local, state and federal legislative, executive and judicial actions. Furthermore, the IAD is tasked with assisting in setting the policy and acting as the clearinghouse for all state programs affecting the Indian people of New Mexico. Since its elevation to a cabinet-level department in 2003, the IAD has made significant strides in state-tribal relations that directly improve the quality of life for Native American constituents and benefit all New Mexico residents. The IAD has played a welcome and vital role in securing and implementing several legislative and policy initiatives, including:

- SB 196 — the State-Tribal Collaboration Act;
- HB 37 — amending the New Mexico Subdivision Act to provide for tribal notification;
- HB 162 — permanent funding for the tribal infrastructure funds; and
- SB 541 — the Native American Veterans' Income Tax Settlement Fund.

The amount of work and quality of services provided by the IAD cannot be accomplished by a division or bureau. In order to ensure that Native American concerns are addressed in policymaking decisions, IAD staff members sit on numerous boards and commissions, testify often before the legislature on issues affecting Native Americans, provide guidance to tribal and state leaders and employees on Native American policy issues and analyze dozens of bills during each legislative session. Moreover, the IAD organizes the annual state-tribal leaders summits between the governor and the leaders of the 22 tribes, nations and pueblos and ensures that all cabinet-level agencies comply with the other provisions of the State-Tribal Collaboration Act.

Further, the IAD directly manages the allocation and use of state funding to Native American communities. As a cabinet-level department, the IAD is in the best position to leverage federal, tribal and philanthropic funds in order to multiply the effectiveness and efficiency of limited state funds. From 2004 through 2010, the IAD's capital outlay unit effectively allocated and administered more than \$120 million in capital outlay funds

Senator Eichenberg
September 16, 2010
Page 3

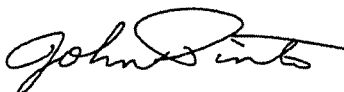
appropriated by the legislature and the governor to tribal communities and entities. Specifically, the secretary of Indian affairs chairs, and the IAD provides administrative support to, the Tribal Infrastructure Board, which has granted \$23 million since 2005 to 72 projects benefiting 20 tribes. The IAD has also allocated and managed \$6 million in special legislative appropriations over the past three fiscal years to support 74 projects benefiting Native Americans in the areas of health, economic development, cultural and language preservation, education, emergency management and other services to urban Indians. The role of the IAD as a cabinet-level department will be even more important in the coming years with the implementation of HB 162.

While the need for the IAD as a cabinet-level department continues to increase, the committee recognizes that the state is still facing serious deficits. However, the IAD already sustained a 25% cut to its budget from fiscal year 2009 to fiscal year 2011. As a result, the IAD has reduced operational expenses, has instituted furloughs, maintains a high vacancy rate and has lost a key position. At the same time, the IAD's staff of 15 people has increased its productivity. The staff members have improved services and have met high expectations in assisting state agencies and tribal governments. Further reductions in the IAD's budget will result in reduced direct funding to tribal governments and Native American organizations.

Consolidating the IAD into another department is not a cost-effective proposal. Downgrading the IAD to a division or bureau will not save significant state funds; rather, it would result in increased costs due to diminished coordination of state, federal and tribal resources; inefficiencies from the lack of state-tribal collaboration; and, in the worst case, litigation that could be avoided.

The Indian Affairs Committee knows that the interests of the state and the 22 nations, tribes and pueblos are best served through retaining the IAD as a cabinet-level department. Accordingly, we urge the GRTF to maintain the IAD as a cabinet-level department. Thank you for your consideration.

Sincerely,



JOHN PINTO
State Senator, District 3
Co-Chair, Indian Affairs Committee



JAMES ROGER MADALENA
State Representative, District 65
Co-Chair, Indian Affairs Committee

Enclosures



LETTERS OF SUPPORT
TO
MAINTAIN INDIAN AFFAIRS
DEPARTMENT
AS A
CABINET-LEVEL DEPARTMENT

Letters Enclosed From:

Governor J. Robert Benavides, Pueblo of Isleta

Governor Johsua Madalena, Pueblo of Jemez

Governor Walter Dasheno, Pueblo of Santa Clara

Governor Norman Cooney, Pueblo of Zuni





PUEBLO OF ISLETA

P. O. BOX 1270, ISLETA, NM 87022

September 13, 2010

Senator Tim Eichenberg, Chairman
NM Restructuring Task Force
7800 Charger Trail, NE
Albuquerque, NM 87109

Re: New Mexico Indian Affairs Department

Dear Senator Eichenberg:

On behalf of the Pueblo of Isleta, We want to express the critical need for keeping the New Mexico Indian Affairs Department (NMIAD) as a stand-alone cabinet level position. The Pueblo of Isleta will strongly oppose any effort to combine it with another cabinet.

NMIAD is the only Cabinet-Level State Indian Affairs Agency in the Nation, per Executive Order in 2003 and by State Statute in 2004. NMIAD fulfills a central role in facilitating communication and collaboration between the New Mexico Office of the Governor and the other 32 cabinet agencies, and the 22 Indian tribes, nations, and pueblos on programs and issues affecting Native Americans in New Mexico.

Under the statute that created the Department, NMIAD has the authority to:

- Investigate, study, consider, and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy, and education and the effect of local, state, and federal legislative, executive, and judicial actions; and
- Assist in setting the policy for all state programs affecting Indian people in New Mexico.

Since its creation, NMIAD has improved tribal government access to communication, collaboration, and state resources. Accomplishments include:

1. The State-Tribal Collaboration Act
2. The Tribal Notification of Subdivision Act
3. The Tribal Infrastructure Act
4. The Indian Education Act



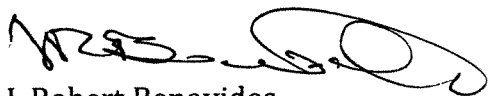
Additionally, the NMIAD has helped to create a process of tracking and clearing backlogged capital outlay awards for tribes throughout New Mexico. NMIAD has also led efforts to address tribal concerns over Medicaid funding cuts.

Specifically, the Pueblo of Isleta has received direct funding for tobacco cessation programs, Behavioral Health programs, and a number of awards through the Tribal Infrastructure Fund. We have received Tribal Infrastructure funding commitments, in various amounts to support an Educational Complex, Long Term Elder Care Planning, a Judicial Complex, Park improvements, and to the Recreation Center in support of Diabetes prevention, and the Veteran's Center for planning and design.

Since NMIAD was made a Cabinet-Level Department, Tribes have a specific point of contact for government-to-government negotiations that can be facilitated and have a seat at the table where decisions affecting the whole state are made which is critical for the Pueblo of Isleta. New Mexico has the highest percentage of Native Americans in the nation; Native Americans make up 10% of the total population of New Mexico. We strongly urge you and the Task Force to continue to support NMIAD as a cabinet-level department.

Sincerely,

PUEBLO OF ISLETA



J. Robert Benavides
Governor

cc: Governor Bill Richardson, State of New Mexico
Secretary of Indian Affairs Alvin Warren
Senator John Pinto
Representative James Roger Madalena
Senator Eric Griego
Representative Kiki Saavarda
Representative Elias Barela
Representative Andrew Berreras
Speaker of the House Ben Lujan
Senate Majority





September 14, 2010

The Honorable John Pinto
The Honorable James Roger Madalena
Co-Chairs
Indian Affairs Committee
Santa Fe, New Mexico

Dear Senator Pinto and Representative Madalena:

On behalf of the Pueblo of Jemez, I submit to you this letter in support of the New Mexico Indian Affairs Department.

The Indian Affairs Department is the only cabinet-level State Indian Affairs agency in the United States. The Department has made great strides and progress for 22 New Mexico Tribes.

To eliminate the Department would be detrimental for New Mexico Tribes and will affect our current state-tribal government-to-government relations.

As Governor Richardson stated in 2003 "The elevation of the Office of Indian Affairs was one of the promises that I made to the Native American citizens of New Mexico to more effectively tackle the many pressing issues that affect Indian communities. New Mexico's Native Americans now officially have an equal voice and permanent place in my Cabinet."

The Pueblo of Jemez believes this "equal voice" is necessary and its impact is only now being realized within the State of New Mexico. It took years for the Senate Indian Affairs Committee to become a permanent Committee of the United States Senate; Tribes across the Nation now have a voice in the Halls of Congress. The same holds true in the State of New Mexico. Today, 22 Tribes have a voice in the Halls of the New Mexico Legislature.

For this reason, I support the maintenance of the Indian Affairs Department as a cabinet-level agency. Eliminating the Indian Affairs Department will strip each New Mexico Tribal Member of this appropriate mechanism by which tribal issues and proposed legislation is elevated for action and attention by the State of New Mexico. There is no alternative either in design or in existence that can, with similar effectiveness, serve in the role of the Indian Affairs Department.

Sincerely,

Joshua Madalena
Governor

cc: Alvin Warren, Cabinet Secretary, Indian Affairs Department

Office of the Governor

4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024
(575) 834-7359 • Fax (575) 834-7331

SANTA CLARA

POST OFFICE BOX 580
(505) 753-7326
(505) 753-7330



INDIAN PUEBLO

ESPANOLA, NEW MEXICO
87532

OFFICE OF GOVERNOR

September 13, 2010

Honorable Representative James Roger Madalena
373 Buffalo Hill Road
Jemez, Pueblo, NM 87024

Re: New Mexico Indian Affairs Department

Dear Representative Madalena:

I am the Governor of Santa Clara Pueblo and I write on behalf of my Pueblo to oppose the elimination of the New Mexico Indian Affairs Department (IAD). Santa Clara Pueblo views this as a completely contrary to the spirit of the State Tribal Collaboration Act that was passed in 2009 and views this as extremely harmful to future tribal state relations.

IAD fulfills a central role in facilitating communication and collaboration between the New Mexico Office of the Governor and the other 32 cabinet agencies, and the 22 Indian tribes, nations, and pueblos on programs and issues affecting Native Americans in New Mexico. It is the only cabinet-level state Indian Affairs agency of its kind in the nation.

Under the statute that created the department, IAD has the authority to:

- Investigate, study, consider, and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy, and education and the effect of local, state, and federal legislative, executive, and judicial actions; and
- Assist in setting the policy for all state programs affecting Indian people in New Mexico.

Since its creation, IAD has improved tribal government access to communication, collaboration, and state resources. Accomplishments include:

1. The State-Tribal Collaboration Act
2. The Tribal Notification of Subdivision Act
3. The Tribal Infrastructure Act
4. The Indian Education Act

These acts were passed with overwhelming majorities in both the House and Senate. Additionally, the IAD has helped to create a process of tracking and clearing backlogged capital outlay awards for tribes throughout New Mexico. IAD has also led efforts to address tribal concerns over Medicaid funding cuts.

Specifically, Santa Clara Pueblo employs over 500 people in the Espanola Valley in gaming, retail, hospitality, and other enterprises including tribal administration. A majority of these employees are non-Native and live off the reservation. The IAD helps tribal governments to work with state agencies and departments to help grant tribal governments access to state government that helps to promote additional job growth. Elimination of the Tribal Infrastructure Board would further stymie tribal development.

It is our understanding that the Government Reform Task Force is considering eliminating the IAD and consolidating it with a new larger Community Affairs Department. Since IAD was created, tribes have enjoyed a specific point of contact for government-to-government negotiations can be facilitated and a seat at the table where decisions effecting the whole state are made. Santa Clara Pueblo has worked closely with the IAD over the past several years and it has greatly benefited our people. Any reduction of that status would severely hamper future tribal-state relations. We urge you and the Task Force to continue to support IAD as a cabinet-level department.

Sincerely,



Walter Dasheno, Governor

cc: Governor Bill Richardson
Secretary of Indian Affairs Alvin Warren
Senator John Pinto
Representative Debbie Rodella
Senator Richard Martinez
Speaker of the House Ben Lujan
Senate Majority Michael Sanchez



NORMAN J. COOBYATE
Governor

DANCY SIMPLICIO
Lt. Governor

SHBLLY C. CHIMONI
Head Councilwoman

DIXIE J. TSABETSAYE
Councilman

PUEBLO OF ZUNI

P.O. Box 339
1203-B State Highway 53
Zuni, New Mexico 87327-0339
www.ashiwi.org

505-782-7000 (☎)
505-782-7202 (☎)

CARLETON P. ALBERT SR.
Councilman

ARDEN KUCATE
Councilman

WINONA S. PEYNETSA
Councilwoman

CHARLOTTE T. BRADLEY
Councilwoman

Officially known as the Zuni Tribe of the Zuni Indian Reservation

September 14, 2010

Representative Roger Madalena
373 Buffalo Hill Road
Jemez Pueblo, NM 87024

Re: New Mexico Indian Affairs Department

Dear Representative Madalena:

As Governor of Zuni, I want to express our strong support for keeping the New Mexico Department of Indian Affairs (IAD) as a cabinet level position.

IAD fulfills a central role in facilitating communication and collaboration between the New Mexico Office of the Governor and the other 32 cabinet agencies, and the 22 Indian tribes, nations, and pueblos on programs and issues affecting Native Americans in New Mexico. It is the only cabinet-level state Indian Affairs agency of its kind in the nation.

Under the statute that created the department, IAD has the authority to:

- Investigate, study, consider, and act upon the entire subject of Indian conditions and relations within New Mexico, including problems of health, economy, and education and the effect of local, state, and federal legislative, executive, and judicial actions; and
- Assist in setting the policy for all state programs affecting Indian people in New Mexico.

Since its creation, NMIAD has improved tribal government access to communication, collaboration, and state resources. Accomplishments include:

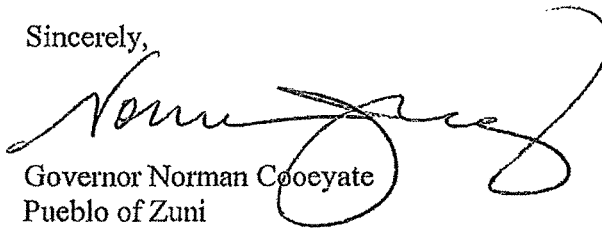
9. The State-Tribal Collaboration Act
10. The Tribal Notification of Subdivision Act
11. The Tribal Infrastructure Act
12. The Indian Education Act

Additionally, the IAD has helped to create a process of tracking and clearing backlogged capital outlay awards for tribes throughout New Mexico. IAD has also led efforts to address tribal concerns over Medicaid funding cuts.

Specifically, the Pueblo of Zuni has received direct funding for tobacco cessation programs, elder programs, and a number of awards through the Tribal Infrastructure Fund. Additionally, Zuni has worked extensively with the state with the assistance of the IAD on educating the State Departments of Health and Human Services in regard to the importance of Medicaid funding for tribal members.

Since IAD was created, tribes have enjoyed a specific point of contact for government-to-government negotiations can be facilitated and a seat at the table where decisions effecting the whole state are made. Zuni has worked closely with the IAD over the past several years and it has greatly benefited our people. We urge you and the Task Force to continue to support IAD as a cabinet-level department.

Sincerely,

A handwritten signature in black ink, appearing to read 'Norman Coocyate', with a large, stylized flourish at the end.

Governor Norman Coocyate
Pueblo of Zuni

Cc: Governor Bill Richardson
Secretary of Indian Affairs Alvin Warren
Senator John Pinto
Senator Tim Eichenberg
Senator George Munoz
Representative Eliseo Alcon
Speaker of the House Ben Lujan
Senate Majority Michael Sanchez